

REMARKS

Claims 1, 2 and 4 are pending in the present application. Claims 1 and 2 are rejected. Claim 1 is herein amended. No new matter has been added.

Applicant's Response to Claim Rejections under 35 U.S.C. §103

Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson (U.S. Patent No. 1,450,404) in view of Holland (U.S. Patent No. 3,007,283).

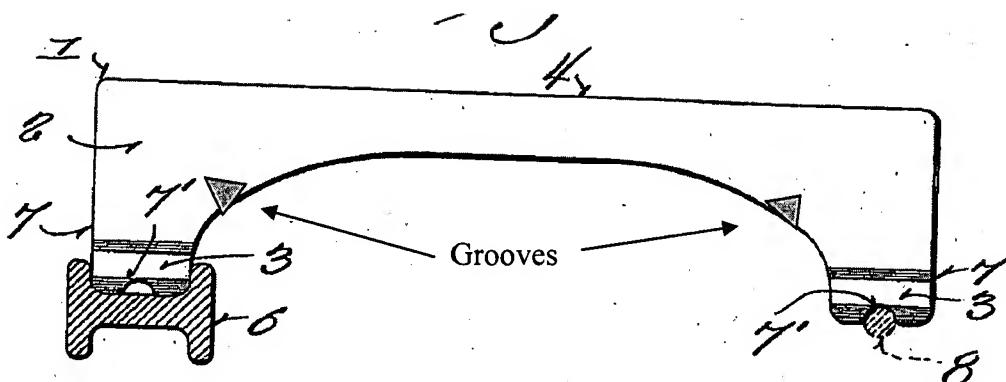
It is the position of the Office Action that Anderson discloses the embodiment as claimed, with the exception of teaching the side surfaces each having displacement prevention grooves formed therein. The Office Action relies on Holland to provide this teaching.

Anderson is directed at a concrete stair block. In Figure 1, Anderson discloses a stairway S made up of a series of blocks 1. Each block includes a riser portion 2 and a tread portion 4, and is generally triangular in shape in side view, with a recess 3 formed at the bottom corner of the block 1. Figure 2 is a cross-section of the stairway S, which is also a front view of a single block 1. As illustrated, an arch is formed through the entire block 1. Thus, the riser portion 2 has an "open face." The blocks 1 are fixed into position by two alternate connection schemes. First, as illustrated in Figure 1 and in the left-hand side of Figure 2, the sides 7 of the block 1 can be fitted in a longitudinal support 6, which is shaped like a rail. Alternatively or additionally, the sides 7 of the block 1 are formed with a circular groove 7', which can accommodate a rod 8.

Holland is directed at a prefabricated knockdown concrete stair construction. Each step unit 28 includes a rectangular tread 30, a riser 32, a rearward shorter wall 42 and vertical end

walls 34. The step unit 28 is formed to be hollow and includes two transverse ribs 50 projecting from the underside of the rectangular tread 30 and the internal side of the rearward shorter wall 42. Each step unit 28 is positioned on stringers 8 and 10. As illustrated in Figures 5 and 6, the stringers 8 and 10 are sandwiched between the vertical end walls 34 and transverse ribs 50. The transverse ribs 50 and the vertical end walls 34 each include a keying groove 40 or 54. This is illustrated in greater detail in the cross-section of Figure 5. As illustrated, the transverse ribs 50 include the keying grooves 54 on their outward-facing surfaces, while the vertical end walls 34 include the keying grooves 40 on their inward-facing surfaces. This allows for the key grooves to be filled with mortar when the step unit 28 is fixed to the stringers 8 and 10.

In response, Applicant first respectfully submits that it would not have been obvious to modify Anderson by adding the keying grooves 40 and 54 of Holland. The keying grooves 40 and 54 of Holland are used to receive mortar used to secure the step unit 28 to the stringers 8 and 10. The step unit 28 is secured by “sandwiching” the stringer from the sides. On the other hand, in Anderson, the block 1 is secured by two alternate configurations, which involve an interaction between the bottom of the sides 7 and a longitudinal support 6 and/or a rod 8. Neither the interior surface nor the exterior surface of the side walls 7 is involved in securing the block 1. Thus, the proposed combination of cited art would appear as illustrated on the following page:

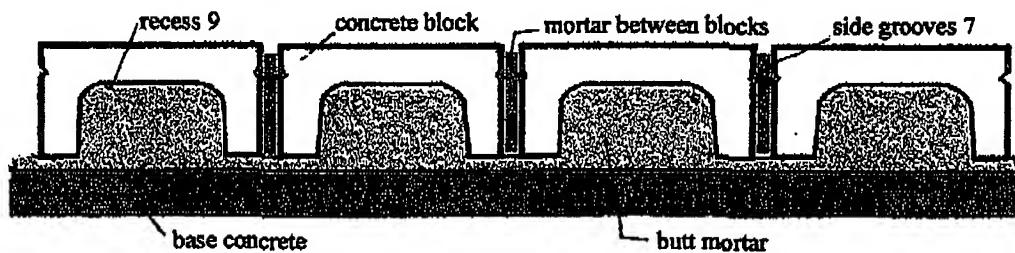


Applicant respectfully submits that because these grooves would not "further create a means for stabilizing the stair block," that it would not have been obvious to make the proposed combination.

Additionally, Applicant herein amends the claims in order to further recite details of the claimed embodiment. Specifically, Applicant herein amends claim 1 in order to recite that the displacement prevention grooves are "engraved on an exterior side" of the side surfaces. Applicant respectfully submits that this amendment clearly distinguishes over the combination of Anderson and Holland, since the keying grooves 40 are formed on the *interior* sides of the vertical end walls 34. See Figure 5 of Holland. Applicant further amends the claim by specifying that the pair of side surfaces constitutes "outermost sides of said pre-cast concrete block." Applicant respectfully submits that these amendments are supported by Figure 1 and the specification as a whole. Applicant respectfully submits that this distinguishes over the combination of cited art.

Furthermore, Applicants note that in each of Anderson and Holland, one concrete block is used for one step of the staircase, with a pair of support members to support both ends of each

block. However, in the claimed embodiments, no such support members are employed. Rather, the claimed embodiments contemplate a situation where several concrete blocks are arranged side by side, depending on the width of the stairway, for a single step of the staircase with the side surfaces of the blocks being mutually abutting. This is illustrated in the figure on page 10 of the "Supplemental under 37 CFR §1.111" submitted on April 15, 2009, which is reproduced below:



The rear surface 8 of each of the arranged concrete blocks is made parallel to the surface of the concrete foundation, which is built on the inclined ground (see Fig. 2 of the application). Furthermore, a gap created by the temporary wedges. The mortar is pushed into the gap to form the mortar bed on the foundation. The mortar is also filled in the gap between the opposing side surfaces of the block, on which the displacement prevention grooves have been engraved.

Hence, the claimed embodiments do not relate to a structure for supporting the concrete blocks with the support members, but rather to a structure which allows a concrete block to be tied to a neighboring one. The displacement prevention groove 7 is provided for that purpose on each of the side surfaces 5 of the block. See paragraph [0012] of the specification.

The structure including the supporting members as discussed in the cited references is irrelevant to the concept of tying the concrete blocks side by side. Therefore, one having

ordinary skill in the art would have had no reason to modify the combination of cited art by engraving displacement prevention grooves on respective side surfaces of the concrete blocks.

Finally, Applicant also notes that with reference to the recitation of “said pre-cast concrete block is formed in a triangle pillar,” the Office Action provides a discussion about the method of production. It seems that the Office may be confused due to the word “formed.” In order to clarify that this phrase intends to recite the shape of the block rather than a method of production, Applicant herein amends claim 1 to recite that “said pre-cast concrete block is a triangular pillar.” Therefore, for at least the above reasons, Applicant respectfully submits that the combination of cited art does not disclose or suggest the embodiment as claimed. Favorable reconsideration is respectfully requested.

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson in view of Holland and further in view of Buffaloe (U.S. Patent No. 1,985,143).

It is the position of the Office Action that the combination of Anderson and Holland discloses the embodiments as claimed, with the exception of teaching a second recess for reducing the weight of the block, the second recess being formed in the rise surface. The Office Action relies on Buffaloe to provide this teaching.

Buffaloe is directed at a precast concrete step. As illustrated in Figures 1-3 and 5, Buffaloe discloses steps 8 attached to a carriage 1 via the end 13 of a rod 11. The steps 8 have a generally rectangular shape. As illustrated in Figure 4, the steps 8 each include a pair of

openings 10 for receiving the end 13 of the rod 11, and a bottom side recess 9. See page 1, column 2, lines 13-17.

In response to Applicant's previous remarks regarding Buffaloe, the Office Action states that "the examiner is only relying on Buffaloe to show that the forming large grooves in pre-cast concrete is well known, and it would have been obvious to place the groove of Buffaloe in the riser surface of Anderson." The Office Action then mischaracterizes Applicant's previously filed remarks by stating that "applicant argues that Buffaloe does not suggest the recess reduces the weight of the block." The previously filed remarks made no such argument.

In response, Applicant respectfully submits that the teachings of Buffaloe are duplicative of those already provided in Anderson. As pointed out by the Office Action, Buffaloe states that "The steps or treads are shown at 8 and each has a recessed or depressed portion on the bottom side as indicated at 9, Fig. 4, which gives a strong and comparatively light construction." Column 2, lines 13-17. Similarly, Anderson states that "I prefer in most instances to cut out the center portion of the block 1 to form an arch 5 thus reducing the amount of material to be used with out affecting the strength of the block." Column 2, lines 55-59.

Applicant respectfully submits that in view of the fact that Anderson already discloses a recess in the underside of the block, one having ordinary skill in the art would view Buffaloe as confirming this teaching, and would not have had a reason to further modify the block of Anderson by providing another recess riser surface. Therefore, for at least the above reasons, Applicant respectfully submits that the combination of cited art does not disclose or suggest the embodiment of claim 2. Additionally, Applicant respectfully submits that claim 2 is also

patentable at least due to its dependency on claim 1, which Applicant respectfully submits is patentable for at least the reasons discussed above. Favorable reconsideration is respectfully requested.

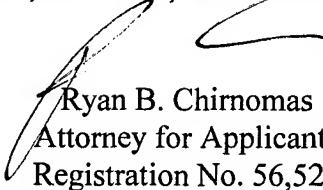
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

If the Examiner deems that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Ryan B. Chirnomas
Attorney for Applicants
Registration No. 56,527
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

RBC/nrp